

UNITED STATES DISTRICT COURT

WESTERN

for the
DISTRICT OF

OKLAHOMA

In the Matter of the Search of)

(Briefly describe the property to be search)

Or identify the person by name and address)

PROPERTY KNOWN AS:)

Blood drawn from:)

Devin Wayne Fuller)

DOB: XX/XX/1999;)

IN THE POSSESSION OF:)

Oklahoma University Medical Center)

700 NE 13th Street)

Oklahoma City, OK 73104)

APR 16 2021

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY: RS DEPUTY

Case No:

M-21-244-AP

APPLICATION FOR SEARCH WARRANT

I, a federal law enforcement officer or attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following property (*identify the person or describe property to be searched and give its location*):

See Attachment A, which is attached and incorporated by reference.

Located in the Western District of Oklahoma, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B, which is attached and incorporated by reference.

The basis for the search under Fed. R. Crim.P.41(c) is (*check one or more*):

- ☒ evidence of the crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. § 1112

Manslaughter

18 U.S.C. § 1151, and 1152

Indian Country Violations

The application is based on these facts:

See attached Affidavit of Special Agent Orlando A. Brown II, Federal Bureau of Investigation, which is incorporated by reference herein.

☒ Continued on the attached sheet(s).

☐ Delayed notice of _____ days (*give exact ending date if more than 30 days*) is requested under 18

U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).



Applicant's signature

ORLANDO A. BROWN II

Special Agent

Federal Bureau of Investigation

Sworn to before me and signed in my presence.

Date: 4/16/21

City and State: Oklahoma City, Oklahoma



Judge's signature
GARY M. PURCELL, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

DESCRIPTION OF THE PROPERTY TO BE SEARCHED

The property to be searched is the blood drawn from DEVIN WAYNE FULLER born on XX/XX/1999. The property is currently at the Oklahoma University Medical Center located at 700 NE 13th Street, Oklahoma City, OK, 73104.

[Handwritten signature]
2/25

ATTACHMENT B

DESCRIPTION OF ITEMS TO BE SEIZED

1. Blood of DEVIN FULLER born on XX/XX/1999 to be tested for intoxicating substances, which constitute evidence of violations of Title 18, United States Code, Sections 1151, 1153, and 1112.

Handwritten signature and initials in the bottom right corner of the page.

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Special Agent Orlando A. Brown II, being duly sworn, depose and say:

INTRODUCTION AND BACKGROUND

1. I, Orlando A. Brown II, am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since 2015. I am currently assigned to the Oklahoma City Division. I am a federal law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant and make arrests. Since joining the FBI, I have investigated violations of federal law, including unlawful distribution of narcotics in violation of 21 U.S.C. §§ 841(a)(1) and 846, federal violations concerning child pornography and the sexual exploitation of children, and investigations of Indian Country violations under Title 18, United States Code, Sections 1151, 1152, and 1153. Further, as a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

2. I make this affidavit in support of an application for a search warrant to search the blood drawn from Devin Wayne FULLER (DOB: XX/XX/1999), an enrolled member of the Choctaw Nation of Oklahoma. The above-described property may be found and is now being kept in Oklahoma City, Oklahoma, at the Oklahoma University Medical Center.

3. The facts presented in this affidavit are not a complete recitation of all the facts known to law enforcement, rather the affidavit is solely offered to establish probable cause to believe there is evidence of violations of Title 18, United States Code, Sections 1151, 1153, and 1112.

PROBABLE CAUSE

4. On Wednesday, March 31, 2021, at approximately 10:31 P.M., Oklahoma Highway

Patrol Lieutenant Brad DANSBY responded to a single-vehicle collision on State Highway (S.H.) 37 just north of State Highway 8, in McCurtain, Oklahoma.

5. The location is within the Eastern District of Oklahoma. The facts and circumstances occurred within the special maritime and territorial jurisdiction of the United States and in Indian Country, to wit the Choctaw Nation Reservation.

6. Preliminary scene investigation revealed that a black, four-door Buick Century was traveling northbound on S.H. 37. The Buick departed the road on the left, striking a few trees. The vehicle was occupied by two people, Devin Wayne FULLER, born on XX/XX/1999, and Hayden Charles HALE born on XX/XX/2000. HALE was located on the passenger's side of the vehicle. FULLER was located outside the vehicle when first responders arrived. FULLER was wearing one light-colored gray shoe on his left foot. The matching right shoe was located on the driver's side floorboard of the vehicle.

7. HALE was pronounced dead on scene by McCurtain County Emergency Medical Services (EMS). EMS transported FULLER to the Idabel airport, where he was flown to Oklahoma University Medical Center in Oklahoma City for treatment. During the course of FULLER's treatment, blood was collected from FULLER and stored at the University Medical Center.

8. After photographing the crime scene, Lieutenant DANSBY identified the vehicle FULLER was operating as a black, four-door 1998 Buick Century with Oklahoma tag number EZG427 and vehicle identification number 2G4WY52M8W1400817. The vehicle was transported from the scene to the McCurtain County Sheriff's Department indoor storage located in Idabel, Oklahoma.

9. The Buick had drug paraphernalia and two rifles in plain view. DANSBY observed

and photographed a set of digital scales, glass pipes, and cash (\$595.00 in a wallet with FULLER's identification). The wallet and cash were located in FULLER's front pocket by the first officer on the scene in an effort to obtain identification. The Buick front airbags deployed, and the speedometer was locked above 120 MPH. The vehicle had a strong odor of drugs and alcohol.


10. Based on Lieutenant DANSBY's observations of the scene, i.e. the strong odor of drugs and alcohol emanating from the vehicle, the paraphernalia in plain view, and the high speed, single vehicle collision, as well as my training and experience, I have reason to believe that there will be evidence of intoxication found in FULLER's blood.

11. Lieutenant DANSBY spoke via phone call to an Oklahoma University Medical Center Lab Shift Supervisor. The Lab Shift Supervisor stated that unused blood from FULLER would be held and stored at the Medical Center until the government could secure a search warrant.

CONCLUSION

12. Based upon the above information, I believe that probable cause exists to believe there has been a violation of Title 18, United States Code, Sections 1112, 1151, and 1152, and that there is probable cause to believe that the blood previously drawn from Devin Wayne FULLER (DOB: XX/XX/1999), an enrolled member of the Choctaw Nation, described in **Attachment A**, contains those items set out in **Attachment B**.

13. In consideration of the foregoing, I respectfully request that this Court issue a search warrant for the blood drawn from Devin Wayne FULLER (DOB: XX/XX/1999), which is described in **Attachment A**, authorizing the search of the aforementioned property for the items described in **Attachment B**.


Orlando A. Brown II, Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 16th day of April, 2021.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE



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Paul Carson